

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
July 1, 2008

**D051432      People v. Ward**

Affirmed. Irion, J.; We Concur: Huffman, Acting P.J., Haller, J.

**D051434      Pacific Specialty Insurance Company v. Melendrez et al.**

Upon written stipulation filed by the parties to the appeal, the appeal is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Each party to bear own costs on appeal.

**D051339      People v. Scott**

The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., Huffman, J.

**D050843      People v. Muzquiz**

The conviction on count 2 is reversed. In all other respects, the judgment is affirmed. The trial court is directed to modify the abstract of judgment accordingly and forward an amended abstract of judgment to the Department of Corrections and Rehabilitation. Irion, J.; We Concur: Huffman, Acting P.J., Haller, J.

**D049925      People v. Gray**

Gray's conviction on count 7 is reversed. The judgment is otherwise affirmed. The trial court is directed to amend the abstract of judgment reflecting the reversal of count 7 and to forward the amended abstract of judgment to the Department of Corrections and Rehabilitation. Aaron, J.; We Concur: Benke, Acting P.J., Nares, J.

**D051305      People v. Roque**

The matter is remanded for resentencing. In all other respects, the judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., Aaron, J.

**D048743      County of San Diego v. State of California et al.**

**D048743      County of Orange v. State of California et al.**

The judgment is reversed with directions to the superior court to vacate the peremptory writ of mandate issued on May 12, 2006, and enter a judgment denying the petition for writ of mandate. The State is entitled to recover costs on appeal. CERTIFIED FOR PUBLICATION Benke, J.; We Concur: McConnell P.J., McIntyre, J.

**D052656      In re Faith V., a Juvenile**

The appeal is dismissed. Irion, J.; We Concur: McIntyre, Acting P.J., Aaron, J.

**D052798      In re Alexandria B., a Juvenile**

The appeal is dismissed. McConnell, P.J.; We Concur: Haller, J., Irion, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

July 1, 2008 (Continued)

**D051721      In re Jesus R. et al., Juveniles**

**D052635      In re Jesus R. et al., Minors on Habeas Corpus**

The pending petition for writ of habeas corpus, In re Jesus R. et al., D052635, is consolidated with the pending appeal In re Jesus R. et al., D051721, for disposition.

**D051721      In re Jesus R. et al., Juveniles**

**D052635      In re Jesus R. et al., Minors, on Habeas Corpus**

(consolidated) Judgment affirmed; petition denied. Aaron, J.; We Concur: Benke, Acting P.J., McIntyre, J.

**D053255      Spencer v. Superior Court of San Diego County/People**

The petition is denied.

**D052955      San Diego Community College District v. Superior Court of San Diego  
County/Farahani**

The petition is denied.

**D053283      In re Gauldin on Habeas Corpus**

The petition for writ of habeas corpus In re Gauldin D053283, will be considered at the same time as the pending appeal, People v. Gauldin D052093.

**D052854      Flahive et al. v. Superior Court of San Diego County/State Farm General  
Insurance Company**

The petition for writ of mandate and preliminary opposition have been read and considered by Justices Benke, McIntyre and Aaron. The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
July 2, 2008

**D046600      Jones v. The Lodge at Torrey Pines Partnership et al.**

The portion of the judgment notwithstanding the verdict entered on May 9, 2005, in favor of Weiss and against Jones is affirmed; the portion of the judgment notwithstanding the verdict in favor of The Lodge is reversed. The order granting a new trial is reversed. The portion of the judgment previously entered on February 28, 2005, in favor of Jones and against The Lodge is reinstated and affirmed. Jones is awarded his costs on appeal against The Lodge. Weiss is awarded his costs on appeal against Jones. Benke, J.; We Concur: McConnell, P.J., McDonald, J.

**D052975      People v. Guerrero**

The above entitled appeal is dismissed as duplicative of case No. D052977. All filings should be under case No. D052977.

**D050795      Emerald Bay Financial Inc., et al. v. Stojavljevic et al.**

The order denying Judith and Petar's anti-SLAPP special motion to strike is reversed. In all other respects, the court's order is affirmed. Parties to bear their own costs on appeal. Nares, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

**D049997      People v. Cunningham**

The judgment is affirmed. Haller, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

**D051857      People v. Velasco**

The judgment is affirmed. Benke, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

**D052668      N.E. v. Superior Court of San Diego/San Diego County Health and Human Services Agency**

The petition is denied. McIntyre, J.; We Concur: Huffman, Acting P.J., Aaron, J.

**D051102      Lawrence v. Arnell**

**D052464      Lawrence v. Arnell**

Respondent's motion to consolidate the appeals filed on June 17, 2008, in D051102 and D052464 is granted.

**D053235      Justice v. Wells Fargo Bank**

Request for Permission to Appeal received by this court on June 30, 2008, is DENIED. (Code of Civ. Proc. sec. 391.7, subd. (b).) The appeal filed with the Superior Court on June 09, 2008, is DISMISSED.

**D052051      People v. Barek**

The judgment is affirmed. Aaron, J.; We Concur: McConnell, P.J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
July 2, 2008 (Continued)

**D052682      In re Nate T., a Juvenile**

Upon filing an abandonment of appeal, personally signed by the defendant R.T., the appeal is DISMISSED and the remittitur is ordered to issue immediately as to R.T. only. (Cal. Rules of Court, rule 8.316.)

**D052398      In re M.P., a Juvenile**

The order is reversed. The court is directed to require the Agency to fully comply with the notice requirements of the ICWA. If, after notice, a tribe exercises its right to intervene, the court is directed to hold a new section 366.26 hearing. If no tribe exercises its right to intervene, the court is authorized to reinstate the judgment. McIntyre, J. We Concur: Benke, Acting P.J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
July 3, 2008

**D052107      Bear Ter Partners, Inc. v. Tiffany Import & Export, Inc.**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

**D053022      In re Yoon on Habeas Corpus**

The petition is denied.

**D053021      In re Moran on Habeas Corpus**

The petition is denied.

**D052917      In re N.N., a Juvenile**

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

**D053020      In re Harvey on Habeas Corpus**

The petition is denied.

[Reporter's Note: No minutes for Friday, July 4, 2008, a state holiday.]